

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

Wednesday, the 4th day of October 2023 / 12th Aswina, 1945
WP(C) NO. 32413 OF 2023 (B)

PETITIONER:

DR. P.S MAHENDRA KUMAR AGED 36 YEARS S/O PRASANNA KUMARI. D,
ELAMPANA VILAKATH VADAKKE VEEDU, UCHAKKADA P.O., KULATHOOR VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT, PIN - 695506

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE (DEVASWOM), GOVERNMENT SECRETARIAT, STATUE, THIRUVANANTHAPURAM , PIN - 695001
2. GURUVAYOOR DEVASWOM MANAGING COMMITTEE GURUVAYOOR DEVASWOM OFFICE, GURUVAYOOR P.O., CHAVAKKAD TALUK, THRISSUR DISTRICT, REPRESENTED BY THE ADMINISTRATOR, PIN - 680101
3. THE ADMINISTRATOR GURUVAYOOR DEVASWOM MANAGING COMMITTEE, GURUVAYOOR P.O., CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN - 680101
4. THE COMMISSIONER GURUVAYOOR DEVASWOM, GOVERNMENT SECRETARIATE, STATUE, THIRUVANANTHAPURAM, PIN - 695001
5. THE DEPUTY DIRECTOR LOCAL FUND AUDIT, GURUVAYOOR DEVASWOM AUDIT, GURUVAYOOR P.O., CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN - 680101

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

(i) direct the respondents to produce the Audited Statement of the financial year 2022 which has been received by the Commissioner as per Section 24 of the Guruvayoor Devaswom Act 1978.

(ii) to produce the list of deposits of funds of Guruvayoor Devaswom in the Co-Operative Societies before this Hon'ble Court, pending disposal of this Writ Petition in the interest of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.K.R.RAJKUMAR, JAGADEESH LAKSHMAN, R.K.RAKESH, NANDANA BABU T., SREELAKSHMI P.S., Advocates for the petitioner, GOVERNMENT PLEADER for R1&R5 and of SRI.T.K.VIPINDAS, STANDING COUNSEL for R2 to R4, the court passed the following:

ANIL K. NARENDRAN & SOPHY THOMAS, JJ.

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Dated this the 4th day of October, 2023

ORDER

Anil K. Narendran, J.

In **Hindu Seva Kendram v. State of Kerala and others [2022 (3) KHC SN 8]**, a Division Bench of this Court held that the role assigned to Guruvayur Devaswom Managing Committee constituted under Section 3 of the Guruvayur Devaswom Act, 1978, is that of a trustee in management of the properties vested in the deity. The Managing Committee is legally bound to administer and manage Guruvayur Devaswom and its properties in accordance with the settled legal principles relating to the administration of Hindu Religious Trusts. The Managing Committee, being the trustee in management of Devaswom properties, is legally bound to perform its duties with utmost care and caution.

2. By the proceedings dated 10.07.2023, DBP No.61 of 2023 is registered *suo motu*, based on a news item that appeared in Malayala Manorama daily, Thrissur edition on 27.05.2023 pointing out certain issues in the statutory audit of the accounts

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of Guruvayur Devaswom Managing Committee, by the Local Fund Audit Department. In the said DBP the Managing Committee has already filed an affidavit and the matter now stands posted to 09.10.2023 for the remarks of the Senior Deputy Director, Local Fund Audit, Guruvayur Devaswom Audit.

3. In this writ petition the petitioner, who is a devotee of Lord Guruvayoorappan is seeking a writ of mandamus commanding respondents 2 to 4 to secure the deposits of money of Guruvayur Devaswom only in Nationalised Banks. The petitioner has also sought for other reliefs in respect of the audit of accounts of Guruvayur Devaswom by the 5th respondent Deputy Director, Local Fund Audit.

4. The learned Standing Counsel for Guruvayur Devaswom Managing Committee, on instructions, would submit that almost 60% of the total deposits of Guruvayur Devaswom is in Nationalised Banks and the remaining deposits are in Scheduled Bank and other banks under the control of the Reserve Bank of India. In respect of two Keezhedam Temples, in the absence of a Nationalised Bank or Scheduled Bank in the vicinity, the Managing Committee is maintaining Savings Bank Account at Perakam Service Co-operative Bank and Erimayur Service Co-operative

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Bank.

5. The learned Standing Counsel would submit that an affidavit on behalf of the 2nd respondent, explaining the facts and circumstances, shall be placed on record within a week.

6. The learned Senior Government Pleader to get instructions from the 5th respondent Deputy Director.

7. In respect of audit in Guruvayur Devaswom this Court has already initiated a suo motu proceedings, which is numbered as DBP No.61 of 2023.

List this writ petition, along with DBP No.61 of 2023, on 11.10.2023.



Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

SOPHY THOMAS, JUDGE

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